S.B.Cr.Misc. Second Bail Appl. No.2892/2006

(Pramod Bhati vs. State of Rajasthan)

Date of order : 13.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.B.S.Rathore, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed by this Court on 4.4.2006, however, liberty was granted to file a fresh bail application after the statements of the eye-witnesses are recorded by the trial court.

Learned counsel for the petitioner submits that the trial court has recorded the statements of the eye-witnesses and none of the witnesses supports the prosecution case. Learned Public Prosecutor also states that almost all the prosecution witnesses have turned hostile and did not support the prosecution case.

Since the prosecution witnesses did not support the prosecution case and having regard to the facts and

circumstances of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and petitioner Pramod Bhati s/o Hem Raj be released on bail in CR No.239/2005, P.S. Mandore, Distt. Jodhpur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-